



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/677,056	09/30/2003	Kojiro Kato	393032041300	8082

7590 01/26/2007  
David L. Fehrman  
Morrison & Foerster LLP  
35th Floor  
555 W. 5th Street  
Los Angeles, CA 90013

EXAMINER

PAUL, DISLER

ART UNIT PAPER NUMBER

2615

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/26/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<b>Office Action Summary</b>	<b>Application No.</b>		<b>Applicant(s)</b>	
	10/677,056		KATO, KOJIRO	
	<b>Examiner</b>		<b>Art Unit</b>	
	Disler Paul		2615	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. ____.                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>4/25/06 and 9/30/03</u> .                                     | 6) <input type="checkbox"/> Other: ____.                          |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-2,5-6,9-10,13-14 are rejected under 35 U.S.C. 102(e) as being anticipated by Silfvast ("US 6,728,382 B1").

Re claim 1, Silfvast discloses a mixing console apparatus ("fig.1-7") comprising: an input section that inputs a plurality of electric signals ("fig.1/(160,154); col.1 line 29-31; col.6 line 39-knobs serve as input"); a processing section that processes the inputted electric signals ("Fig.8/840;col.6 line 53-57;col.1 line 34-36; col.1 line 40-42-processors to receive each function signals"); an output section that outputs the processed electric signals ("fig.8/process signals(840,800) is stored/output in (830); col.1 line 39-41-processed signals is combined/mixed thus outputted"); and a plurality of operators

Art Unit: 2615

being provided in correspondence to a plurality of circuit components contained in those of the input section, the processing section and the output section, and being assigned with various functions in correspondence to the respective circuit components, the operators being manually operable to act on the corresponding circuit components for controlling the electric signals("fig.4/plurality of operators(354) with many functions (Ch,DYN,EQ) all adjust manually with various input at (352)"), wherein the plurality of the operators are arranged to form at least one group operation section such that the operators having similar functions are grouped into the same group operation section("fig.4/groups by functions(356,354,352-faders and volume each group); col.9 line 45-55; Fig.7/(710,354)"), and wherein the group operation section is divided into subgroups with markings such that operators belonging to one subgroup is distinguished from operators belonging to another subgroup by the respective markings("fig.4/operators/faders may then be subgroup as (470,472)").

Re claim 2, the mixing console apparatus according to claim 1, wherein the markings are colors applied to the operators("col.3 line 58-60").

Re claim 5, Silfvast discloses a mixing console apparatus("fig.1-7") comprising: an input section that inputs a plurality of electric signals("fig.1/(160,154); col.1 line 29-31; col.6 line 39-knobs serve as input"); a processing section that processes the inputted electric signals("Fig.8/840;col.6 line 53-57;col.1 line 34-36; col.1 line 40-42-processors to receive each function signals"); an output section that outputs the processed electric signals("fig.8/process signals(840,800) is stored/output in (830); col.1 line 39-41-processed signals is combined/mixed thus outputted"); and a plurality of operators being provided in correspondence to a plurality of circuit components contained in those of the input section, the processing section and the output section, and being assigned with various functions in correspondence to the respective circuit components, the operators being manually operable to act on the corresponding circuit components for controlling the electric signals("fig.4/plurality of operators(354) with many functions (Ch,DYN,EQ) all adjust manually with various input at (352)"), wherein the plurality of the operators are grouped to from two or more of group operation section such that the operators having similar functions are grouped into the same group

Art Unit: 2615

operation section("fig.4/groups by functions(356,354,352-faders and volume each group); col.9 line 45-55; Fig.7/(710,354)") , wherein each group operation section is divided into subgroups with markings from a top subgroup to a last subgroup such that operators belonging to one subgroup is distinguished from operators belonging to another subgroup by the respective markings, and wherein the respective top subgroups of the respective group operation sections are applied with the same marking("fig.4/operators/faders may then be subgroup as (470,472)") .

Re claims 6,10,14 have been analyzed and rejected with respect to claim 2 respectively.

Re claim 9, Silfvast discloses a mixing console apparatus("fig.1-7") comprising: an input section that inputs a plurality of electric signals("fig.1/(160,154); col.1 line 29-31; col.6 line 39-knobs serve as input"); a processing section that processes the inputted electric signals("Fig.8/840;col.6 line 53-57;col.1 line 34-36; col.1 line 40-42-processors to receive each function signals"); an output section that outputs the processed electric signals("fig.8/process signals(840,800)

Art Unit: 2615

is stored/output in (830); col.1 line 39-41-processed signals is combined/mixed thus outputted"); and a plurality of operators being provided in correspondence to a plurality of circuit components contained in those of the input section, the processing section and the output section, and being assigned with various functions in correspondence to the respective circuit components, the operators being manually operable to act on the corresponding circuit components for controlling the electric signals("fig.4/plurality of operators(354) with many functions (Ch,DYN,EQ) all adjust manually with various input at (352)"), wherein the plurality of the operators are grouped to from two or more of group operation section such that the operators having similar functions are grouped into the same group operation section("fig.4/groups by functions(356,354,352-faders and volume each group); col.9 line 45-55; Fig.7/(710,354)"), wherein each group operation section is divided into a sequence of subgroups with markings such that operators belonging to one subgroup is distinguished from operators belonging to another subgroup by the respective markings("Fig.4/for {(group 354-to identify functions) we have subgroups (CH,474) or subgroup(EQ,)} we have the marking light col.2 line 58-59 to do differentiation."), and wherein the

Art Unit: 2615

markings have a predetermined order("fig.6-marking have predetermine order"), such that the markings are applied sequentially to the sequence of the subgroups in the same manner among the respective group operation sections according to the predetermined order ("Fig.4-in function groups of (354) the subgroup are arranged as (CH,DYN,Pan) accordingly").

Re claim 13, Carter discloses a mixing console apparatus ("fig.4-5") comprising: an input section that inputs a plurality of electric signals ("fig.1/(160,154); col.1 line 29-31; col.6 line 39-knobs serve as input"); a processing section that processes the inputted electric signals ("Fig.8/840;col.6 line 53-57;col.1 line 34-36; col.1 line 40-42-processors to receive each function signals"); an output section that outputs the processed electric signals ("fig.8/process signals(840,800) is stored/output in (830); col.1 line 39-41-processed signals is combined/mixed thus outputted"); and a plurality of operators being provided in correspondence to a plurality of circuit components of the processing section and being assigned with various functions in correspondence to the respective circuit components, the operators being manually operable to act on the corresponding circuit components for processing the electric signals, wherein the plurality of the operators are arranged to



Art Unit: 2615

form a first group operation section and a second group operation section("fig.4/groups by functions(356,354,352-faders and volume each group); col.9 line 45-55; Fig.7/(710,354)"), wherein the first group operation section is divided into subgroups with markings such that operators belonging to one subgroup is distinguished from operators belonging to another subgroup by the respective markings, and the second group operation section is divided into subgroups in correspondence to the subgroups of the first group operation section with markings such that operators belonging to one subgroup is distinguished from operators belonging to another subgroup by the respective markings, and wherein the subgroup of the first group operation section has the same marking as that of the corresponding subgroup of the second group operation section("Fig.4/for {(group 354-to identify functions) we have subgroups (CH,474) or subgroup(EQ,)} we have the marking light col.2 line 58-59 to do differentiation and each corresponding subgroup in each groups have similar marking.").

While, Silfvast is silent about the bus system, Silvast disclosed the an input section that inputs a plurality of electric signals ("fig.1/(160,154); col.1 line 29-31; col.6 line 39-knobs serve as input") and a processing section

Art Unit: 2615

("Fig. 8/840; col. 6 line 53-57; col. 1 line 34-36; col. 1 line 40-42-  
processors to receive each function signals") an output section  
that outputs the processed electric signals ("fig. 8/process  
signals(840, 800) is stored/output in (830); col. 1 line 39-41-  
processed signals is combined/mixed thus outputted"), therefore  
it is inherent that there must exist such a bus system for  
connecting the input/output section through the processor.

The first group of operation is divided into subgroups with  
markings such that operators corresponding to circuit components  
disposed on an input side of the bus system are grouped into the  
first group operation section and operators corresponding to  
circuit component disposed on an output side of the bus system  
are grouped into the second group operation  
section("fig. 4/groups by functions(356, 354, 352-faders and volume  
each group); col. 9 line 45-55; Fig. 7/(710, 354)").

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

Art Unit: 2615

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 3- 4,7-8,11-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Silfvast ("US 6,728,382 B1").

Re claim 3, the mixing console apparatus according to claim 2, Silfvast fail to disclose the specific limitation of the different colors are allocated to different subgroups to distinguish from each other. However, Silfvast disclose having different colors to distinguish between available functions. Thus, it would have been obvious for one of the ordinary skill in the art, to use different colors allocated to different subgroups to distinguish from each other for purpose of maximizing the operator's perceptual capabilities of pattern recognition.

Re claim 4, the mixing console apparatus according to claim 3, Silfvast fail to disclose the different colors are allocated in the order determined by brightness thereof to the different subgroups. However, Official Notice is taken that allocating colors in the order of determined brightness in subgroups is

Art Unit: 2615

common sense, therefore it would have been obvious for one in the ordinary skill in the art to allocating colors in the order of determined brightness in subgroups for enabling operators peripheral visual and pattern recognition.

Re claim 7, have been analyzed and rejected with respect to claim 3.

Re claim 8, have been analyzed and rejected with respect to claim 4 respectively

Re claim 11, the mixing console apparatus according to claim 10, Silfvast fail to disclose the colors are applied sequentially to the sequence of the subgroups in the same manner among the respective group operation sections according to the predetermined order which is predetermined according to brightness of the colors. However, official notice is taken the limitation of colors are applied sequentially to the sequence of the subgroups in the same manner among the respective group operation sections according to the predetermined order which is predetermined according to brightness of the colors are common sense, thus it would have been obvious for one skill in the art to apply colors sequentially to the sequence of the subgroups in

Art Unit: 2615

the same manner among the respective group operation sections according to the predetermined order which is predetermined according to brightness of the colors for enabling operators peripheral visual and pattern recognition.

Re claim 12, have been analyzed and rejected with respect to claim 11 above.

### ***Conclusion***

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

Silfvat et al.(US 5,402,501) disclose a production mix controller with being grouped so as to efficiently mix signals.

Powers et al. ("US 6,839,441B1") disclose a sound mixing control with indicators and grouping and manual control which allow easy signal mixing.

### ***contact***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Disler Paul whose telephone number is 571-272-2222. The examiner can normally be reached on 7:30-5:00.

Art Unit: 2615

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chin Vivian can be reached on 571-272-7848. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

DP

  
VIVIAN CHIN  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600